

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION

UNITED STATES OF AMERICA .  
vs. . DOCKET DKC-11-0072  
RICKEY CURVEY . GREENBELT, MARYLAND  
. NOVEMBER 23, 2011

TRANSCRIPT OF REARRAIGNMENT\GUILTY PLEA  
BEFORE THE HONORABLE DEBORAH K. CHASANOW  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

FOR THE GOVERNMENT: JOMATHAN FALK LENZNER, ESQ.  
ROBERT K. HUR, ESQ.  
ASSISTANT U.S. ATTORNEYS  
FOR THE DEFENDANT: ANDREW CARTER, ESQ.

Court Reporter: Sharon O'Neill, RMR  
Official Court Reporter  
United States District Court  
6500 Cherrywood Lane  
Greenbelt, Maryland 20770  
301-344-3227

1 THE COURT: Good morning.

2 VOICES: Good morning, Your Honor.

3 THE COURT: Please be seated. Mr. Lenzner.

4 MR. LENZNER: Thank you. Calling the case of United  
5 States of America vs. Ricky Curvey, criminal number DKC  
6 11-0072. Jonathan Lenzner and Robert Hur on behalf of the  
7 Government and also present with us is Special Agent John  
8 Dunham with the Federal Bureau of Investigation. This matter  
9 is called for a rearraignment. Thank you.

10 MR. CARTER: Good morning, again, Your Honor. Andrew  
11 Carter on behalf of Mr. Rickey Curvey.

12 THE COURT: Very good. Okay. Mr. Curvey, I'm going  
13 to ask you to stand and address your attention to Ms. Derro.  
14 She is going to place you under oath and ask you some  
15 preliminary questions.

16 (The oath was administered.)

17 THE CLERK: Please state your full name for the  
18 record.

19 THE DEFENDANT: Rickey Ricardo Curvey.

20 THE CLERK: What is your age?

21 THE DEFENDANT: Thirty-six.

22 THE CLERK: In what year were you born?

23 THE DEFENDANT: 1975.

24 THE CLERK: On March 31, 2011, you appeared before  
25 United States Magistrate Judge Schulze for the purpose of

1 arraignment, at which time you entered a plea of not guilty to  
2 Counts one, two and three of the indictment. Do you wish to  
3 change your plea at this time?

4 THE DEFENDANT: Yes.

5 THE CLERK: How do you wish to plead?

6 THE DEFENDANT: Guilty.

7 THE CLERK: Guilty as to which count?

8 THE DEFENDANT: Two and three.

9 THE CLERK: The plea is guilty to Counts two and  
10 three, and not guilty to Count one of the indictment, is that  
11 correct?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Thank you. You may be seated. Mr.  
14 Curvey, I'm going to ask you additional questions now so that I  
15 can make certain that you understand fully what it means to  
16 plead guilty, and that you are doing so voluntarily. If any of  
17 any questions are unclear, would you let me know.

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Good. And if you want to ask Mr. Carter  
20 anything, please feel free to do that as well. Could you tell  
21 me your educational background.

22 THE DEFENDANT: A little bit of high school.

23 THE COURT: A little high school. Have you tried to  
24 take GED courses or get a GED?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. But how far have you gotten on  
2 that?

3 THE DEFENDANT: I failed it.

4 THE COURT: Okay. Can you read and write in English  
5 okay?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you ever been treated for any mental  
8 illness, alcoholism or any drug problem?

9 THE DEFENDANT: No.

10 THE COURT: Are you currently taking any medications  
11 that can make you drowsy, or might interfere with your  
12 concentration?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Okay. The indictment has three counts.  
15 Count two charges that on or about September 24, 2010, here in  
16 Maryland and elsewhere, you, with the intent to cause serious  
17 bodily harm, did by force, violence and intimidation, take from  
18 the person and presence of another a motor vehicle that had  
19 been transported, shipped and received in interstate commerce,  
20 specifically a 2004 Toyota bearing a particular vehicle  
21 identification number.

22 That charge is alleged to violate Title 18 of the  
23 United States Code, section 2119. You are also charged under  
24 the aiding and abetting statute. Do you understand the charge  
25 in Count two?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: If you are found guilty of that offense,  
3 you face a maximum possible penalty of 15 years in prison,  
4 followed by supervised release of up to three years, a possible  
5 fine of up to \$250,000 and a \$100 special assessment.

6 Supervised release is when someone who serves some  
7 time in prison is released on conditions of good behavior. If  
8 he violates those conditions, he can be sentenced to an  
9 additional term in prison on top of whatever was imposed to  
10 begin with, without credit for the time that was spent on  
11 release, and under some circumstances the total imprisonment  
12 can exceed that 15 year maximum by the term of supervised  
13 release. Do you understand the maximum possible penalty  
14 provided by law for this offense?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Count three charges that on or about  
17 September 24, 2010, again in Maryland and elsewhere, you did  
18 knowingly possess, use and discharge a firearm during and in  
19 furtherance of a crime of violence, for which you may be  
20 prosecuted in a court of the United States, that is the  
21 conspiracy to commit carjacking that's alleged in Count one,  
22 and the carjacking, which is alleged in Count two, and those  
23 charges are incorporated in this count.

24 This is alleged to have violated Title 18 of the  
25 United States Code, section 924(c). And, again, there is an

1 aiding and abetting allegation. Do you understand the charge  
2 in Count three of this indictment?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: If you are found guilty of this offense,  
5 you face a mandatory minimum sentence of ten years, and that  
6 sentence would have to be imposed consecutive to any sentence  
7 imposed on Count two, and a maximum possible term of life in  
8 prison.

9 There is an additional term of supervised release of  
10 up to five years, again, a possible fine of up to \$250,000 and  
11 a \$100 special assessment.

12 Do you understand both the mandatory consecutive  
13 minimum sentence, as well as the maximum sentence for Count  
14 three?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Okay. We'll get to the plea agreement  
17 and the guidelines in a few moments, but I want to make certain  
18 that you understand you have the absolute right to plead not  
19 guilty. No one can make you come into court and enter a guilty  
20 plea.

21 If you plead not guilty, you are presumed to be  
22 innocent. That means that you cannot be found guilty unless  
23 there is a trial at which your guilt is proven beyond a  
24 reasonable doubt.

25 You have the right to a trial before a jury of 12

1 people, all of whom would have to agree unanimously that you  
2 were guilty. If even one of those jurors did not find guilt,  
3 there could be no verdict of guilty entered at the conclusion  
4 of that trial.

5 Alternatively, if both you and the Government agreed,  
6 there could be a trial before a judge without a jury, but in  
7 either case you would be presumed to be innocent, and it would  
8 be the Government's burden to try to overcome that presumption  
9 with proof beyond a reasonable doubt.

10 To try to do that, the Government would have to call  
11 people to testify as witnesses. They would appear here in open  
12 court. You would be present. The witnesses would be placed  
13 under oath and they would be subject to cross-examination, that  
14 is questioning by your lawyer.

15 You would, of court, have the right to be represented  
16 by a lawyer throughout the trial and, as you know, if you  
17 cannot afford to hire counsel, the Court appoints an attorney  
18 to represent you.

19 At any trial you would have the right to testify on  
20 your own behalf if you wanted to, but you would have the equal  
21 right to remain silent. If you decided not to testify, neither  
22 the jury nor the judge could hold it against you in any way,  
23 and if you wished, the judge would tell the jury about your  
24 right not to testify and that they couldn't hold it against you  
25 in any way during their deliberations.

1           You would have the right to present a defense, to  
2 call other people as witnesses, and to produce documents or  
3 other things as exhibits, and you would have the Court's  
4 assistance through the subpoena power in requiring people to  
5 come to court to testify for you.

6           If you were found guilty after that trial, you would  
7 have the right to appeal, to complain about any mistakes that  
8 might have been made before or during that trial.

9           Do you understand all of those rights that you give  
10 up by pleading guilty?

11           THE DEFENDANT: Yes, ma'am.

12           THE COURT: If I accept your plea, there won't be any  
13 trial and instead we'll set a date for sentencing. Do you  
14 understand that?

15           THE DEFENDANT: Yes, ma'am.

16           THE COURT: In addition, there were some motions  
17 filed on your behalf to dismiss some of the wording in the  
18 indictment, and to strike or dismiss Count three, as well as to  
19 adopt motions that had been filed by a codefendant.

20           By pleading guilty you are giving up your right to  
21 have me even decide those motions. You understand that I'm  
22 just going to set them aside and we won't do anything with  
23 them?

24           THE DEFENDANT: Yes, ma'am.

25           THE COURT: Okay. There is a written plea agreement.



1 Ms. Derro, you have the original

2 THE CLERK: Yes, I do, Your Honor.

3 THE COURT: Okay. That's going to be marked as an  
4 exhibit and placed in the court file. This plea agreement, Mr.  
5 Curvey, was negotiated for you by your lawyer directly with  
6 the prosecutors. I have not been a party to those discussions,  
7 and I am not bound by the agreement.

8 I will certainly take the agreement into account as I  
9 make sentencing decisions, but you need to understand that I  
10 might not agree, for instance, with the proposed advisory  
11 sentencing guidelines that are set forth in the plea agreement.

12 If I accept your guilty plea today, you will not be  
13 allowed to withdrawal your guilty plea, no matter what  
14 decisions I make about sentencing. Do you understand that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: The Probation Office is going to prepare  
17 a Presentence Report, and that report will contain some  
18 proposals with regard to the advisory sentencing guidelines  
19 and, perhaps, other things that can affect the sentence.

20 The Probation Office also is not bound by the  
21 agreement, although they will take it into account as they make  
22 their recommendations.

23 We are going to review the plea letter carefully  
24 together. It is important that we understand all of its  
25 provisions. Do you have a copy available to follow along?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay. Good. It first tells me you have  
3 agreed to plead guilty to Counts two and three of the  
4 indictment, charging you with carjacking, and with the use of a  
5 firearm in the commission of a crime of violence. The letter  
6 says that at the appropriate time you will admit that you are,  
7 in fact, guilty of these offenses.

8 Next, the letter sets out the elements of the  
9 offenses. These are the things that the Government would have  
10 to prove beyond a reasonable doubt if the case were to go to  
11 trial.

12 For the carjacking charge in Count two, the  
13 Government would have to prove that you took a motor vehicle  
14 from the person or presence of another person; second, that you  
15 took that vehicle using force, violence, or by acting in an  
16 intimidating manner.

17 Third, that you acted with the intent to cause death  
18 or serious bodily harm and, fourth, that the motor vehicle had  
19 previously been transported, shipped or received in interstate  
20 or foreign commerce.

21 For the use of a firearm in the commission of a crime  
22 of violence in Count three, the Government would have to prove  
23 that you knowingly and intentionally used and carried a firearm  
24 and, second, that you did so in furtherance of the commission  
25 of a crime of violence for which you may be prosecuted in a

1 court of the United States, and in this case it's the charge  
2 described in Count two.

3 The letter then sets out those penalties that I read  
4 to you a moment ago, the sentence, possible sentence for Count  
5 two and the mandatory minimum consecutive sentence and the  
6 maximum sentence on Count three.

7 Next, the letter catalogs all of the rights that you  
8 do give up by pleading guilty. In addition to the trial  
9 rights, the letter says you understand that a conviction in  
10 this case could cause you to lose some valuable civil rights,  
11 and could subject you to deportation or a loss of immigration  
12 status.

13 Let me advise you that if you are not a United States  
14 citizen, a conviction in this case could affect your ability to  
15 remain in the United States. Has anybody made any promise to  
16 you concerning any immigration matter in order to convince you  
17 to plead guilty?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Okay. The letter then refers to the  
20 advisory sentencing guidelines, and tells me that you  
21 understand that I must calculate those guidelines and then use  
22 them as one of the factors in determining the sentence in your  
23 case.

24 The letter then refers to the factual stipulation,  
25 which is Attachment A and appears beginning at page nine of

1 this document.

2 I'm going to ask Mr. Lenzner to read the facts out  
3 loud. Please listen carefully. When he is finished, I will  
4 ask you if you agree that these facts are true. Mr. Lenzner.

5 MR. LENZNER: Thank you, Your Honor. On or about  
6 September 24, 2010, at approximately 3:00 in the morning, the  
7 defendant, Rickey Curvey and co-conspirator number one drove a  
8 white Honda Accord to the Exxon gas station, located at 4747  
9 Silver Hill Road in Prince George's County, Maryland.

10 The white Honda Accord had been stolen from another  
11 gas station in Prince George's County on September 15, 2010.  
12 The defendant exited the white Honda Accord and approached two  
13 male victims who had arrive in a red Toyota Avalon.

14 While brandishing a firearm, the defendant stole  
15 property including cellular telephones and U.S. currency from  
16 the two male victims. The defendant held the firearm to the  
17 body of one of victims, pointed the firearm at the second  
18 victim and threatened to shoot him.

19 The defendant, still brandishing the firearm, then  
20 carjacked the red Toyota Avalon from the presence of the two  
21 victims. The defendant drove the red Toyota Avalon away from  
22 the gas station, followed by co-conspirator one in the white  
23 Honda Accord.

24 The incident was also captured on the gas station's  
25 video surveillance system. The red Toyota Avalon was

1 manufactured outside of Maryland and therefore had traveled in  
2 interstate commerce prior to that date.

3           Soon after the carjacking, the defendant parked the  
4 red Toyota Avalon and re-entered the white Honda. One of the  
5 victims of the carjacking called 911 and Prince George's County  
6 police officers were dispatched to the area.

7           When a marked Prince George's County police vehicle  
8 attempted to stop the white Honda within minutes of the  
9 carjacking, the defendant and co-conspirator one fled in the  
10 white Honda Accord towards Washington, D.C. at a high rate of  
11 speed.

12           The what Honda Accord led the Prince George's County  
13 police officers on a high speed chase into Washington, D.C. and  
14 the chase ended when the white vehicle lost control and crashed  
15 into Randall Circle, coming to a stop inside the traffic  
16 circle.

17           The Prince George's County police vehicle stopped in  
18 front of the white Honda Accord and the officers exited the  
19 cruiser while ordering the occupants to remain inside. The  
20 defendant and co-conspiracy one exited the white Honda Accord  
21 and attempted to flee on foot.

22           The defendant pointed a firearm in the direction of  
23 the Prince George's County police officers and discharged the  
24 weapon as he attempted to flee. The officers returned fire as  
25 the defendant and co-conspirator one ran from the police.

1           The Prince George's County police officers lost sight  
2 of the defendant as he ran between houses. Just minutes later  
3 the defendant was apprehended by Metropolitan Police Department  
4 who were dispatched to the area to assist the Prince George's  
5 County police officers.

6           MPD officers stopped the defendant as he ran out of  
7 an alley, away from the pursuing Prince George's County  
8 officers. Law enforcement later recovered a Browning 9 mm  
9 semiautomatic firearm bearing serial number 296518 from a yard  
10 near where the defendant was stopped.

11           The firearm contained eight 9mm cartridges in the  
12 magazine. The magazine was stovepiped, in that a spent bullet  
13 casing was jammed in the firearm's ejection port. The firearm  
14 had discharged and the casing did not properly clear the  
15 ejection port, causing the firearm to jam.

16           While at the scene of the his arrest, the defendant  
17 was positively identified by the two victims of the carjacking  
18 at the Exxon gas station, and by the two Prince George's  
19 County police officers who pursued him.

20           The defendant was transported to the MPD Sixth  
21 District in a police vehicle. After the transport, police  
22 officers recovered from the floor of the police vehicle  
23 personal property that had belonged to an individual who had  
24 been robbed at gun point on September 23, 2010.

25           When he was later interview by MPD detectives, the

1 defendant admitted in substance to being inside the white Honda  
2 Accord during the police chase and crash.

3 Law enforcement recovered the defendant's DNA from  
4 the red Toyota Avalon. Just, I'll note that there's one  
5 sentence that's been blacked out and my initials, Mr. Carter's  
6 initial and the defendant also dated that edit. Thank you,  
7 Your Honor.

8 THE COURT: Okay. The copy I had been given, which  
9 is unsigned, doesn't have that sentence.

10 MR. LENZNER: Your Honor, the --

11 THE COURT: So you retyped it but the original had  
12 not been?

13 MR. LENZNER: Correct.

14 THE COURT: Okay. Well, I don't have that sentence  
15 anyway. So, there we go. Mr. Curvey, did you hear the facts  
16 when they were read out loud by Mr. Lenzner?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you agree that all of those facts are  
19 true?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you agree that you are, in fact,  
22 guilty of the offenses set forth in Counts two and three of the  
23 indictment?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. Based upon those facts, and the

1 parties' understanding of the guidelines, they have entered  
2 into the following stipulations:

3           For Count two, the carjacking, the base offense level  
4 is 20. There is a two level increase because the offense  
5 involved carjacking.

6           As of right now the Government will not oppose the  
7 two level downward adjustment for acceptance of responsibility,  
8 and has agreed to move for an additional one level for a total  
9 of three level downward adjustment for acceptance of  
10 responsibility.

11           Mr. Curvey, I say they agree right now, because they  
12 will pay attention to your conduct up until sentencing. If the  
13 Government thinks you have failed to admit all aspects of the  
14 factual stipulation; if you deny your involvement in the  
15 offenses; if you give conflicting statements about your  
16 involvement; if you are untruthful with me, the Probation  
17 Office or the U.S. Attorney; if you obstruct or attempt to  
18 obstruct justice; engage in any new criminal conduct, or if you  
19 attempt to withdraw your guilty plea, then the Government will  
20 likely no longer agree to any downward adjustment for  
21 acceptance of responsibility.

22           Indeed, if they think you are obstructing justice or  
23 engaging in some new criminal conduct, they not only will  
24 oppose the downward adjustment for acceptance of  
25 responsibility, but they may ask me to move higher on the



1 advisory guideline scale as a result.

2 If they should do that, I will hear fully from both  
3 sides before deciding whether you've done any of those things  
4 and, if so, what to do about it under the guidelines.

5 It's important, though, for you on the understand  
6 that if the Government should take that position based upon  
7 something that happens between today and the time of  
8 sentencing, you won't be allowed to withdraw your guilty plea  
9 on that basis. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Now, Count three, which is the use  
12 of a firearm during and in relation to a crime of violence, the  
13 parties agree that the guideline is that mandatory ten year  
14 consecutive sentence, because the firearm was used, carried and  
15 discharged.

16 There is no agreement concerning the criminal history  
17 information and thus your criminal history category. And, as  
18 you know, criminal history is a very important part of the  
19 guideline calculation and can affect the range quite a bit.

20 Both sides are going to have the full opportunity to  
21 tell me anything that they think is relevant to sentencing.  
22 The Government has agreed to recommend a sentence within the  
23 guideline range for Count two, and to recommend the ten year  
24 mandatory consecutive sentence for Count three.

25 You will be free to argue for any sentence you think

1 is appropriate, whether it's within the guidelines on Count two  
2 or not. You have just agreed you're going to let us know what  
3 information you want me to consider in advance of sentencing.  
4 In addition, the Government is going to dismiss the other  
5 charge, Count one, at the time of sentencing.

6 Ultimately, Mr. Curvey, it's up to me to decide what  
7 sentence to impose. It can be anywhere from nothing up to the  
8 15 year maximum on Count one, and anything from the ten year  
9 mandatory minimum to life in prison on Count two. Do you  
10 understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: There is a forfeiture provision here.  
13 You understand that you are not permitted to have that firearm,  
14 and you agree to give up both the firearm and the ammunition  
15 and not to help anybody make any claim about those items. Do  
16 you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: In addition to the trial right that I  
19 reviewed with you that you give up by pleading guilty, your  
20 plea agreement contains a waiver of some your rights to appeal.  
21 Specifically, you're giving up your right to appeal the  
22 conviction, that is the determination of guilt and, secondly,  
23 you're giving up some of your rights to appeal the sentence.

24 If I sentence you at a level 19 on the guideline  
25 table for Count two, and impose the ten year consecutive

1 sentence on Count three, or give you a lower sentence, you are  
2 giving up your right to appeal. Do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: On the other side, if I sentence you at a  
5 level 19 on Count two and give you ten year consecutive sense  
6 on Count three, or give you a higher sentence, the Government  
7 is giving up it's right to appeal.

8 Both side will have a right under Rule 35 to complain  
9 if they think I've imposed an illegal sentence. If you ever  
10 think I've imposed a sentence higher than the 15 year maximum  
11 for Count two, you will have the right to complain and to  
12 appeal if necessary.

13 But you need to understand on the other side that if  
14 the Government thinks there is a mandatory minimum sentence  
15 that applies, such as Count three, and that I have mistakenly  
16 failed to impose a mandatory minimum, they will have the right  
17 to complain and to appeal if necessary. Do you understand  
18 that?

19 THE DEFENDANT: Yes.

20 THE COURT: I am now turning to the sealed supplement  
21 and if a transcript is ever prepared, this portion will remain  
22 under seal, but I see there is nothing further to discuss.

23 Mr. Curvey, have we now talked about all the  
24 provisions that you think are part of your plea agreement with  
25 the U.S. Attorney's Office.

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Other than what's written down, has  
3 anybody made any promise to you to induce you to plead guilty?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Have you been threatened in any way?

6 THE DEFENDANT: No.

7 THE COURT: How many times did you meet with Mr.  
8 Carter to talk about the charges and your decision to plead  
9 guilty?

10 THE DEFENDANT: Numerous times.

11 THE COURT: Numerous. Let me ask it this way, has he  
12 always had the time that you thought was necessary to talk with  
13 you about this case.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Yes. Has he answered all of your  
16 questions?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Are you satisfied with the help he has  
19 provided you this case?

20 THE DEFENDANT: Yes.

21 THE COURT: Counsel, what have I forgotten to ask or  
22 left unclear?

23 MR. LENZNER: That's it, Your Honor. Thank you.

24 MR. CARTER: Nothing from the defense, Your Honor.

25 THE COURT: Mr. Curvey, we have spent time today

1 talking about the charges, what the Government would have to  
2 prove if the case were to go to trial, the sentencing  
3 structure, that is the maximum for Count two, the mandatory  
4 consecutive minimum and possible maximum for Count three, the  
5 terms of your plea agreement, the guidelines, but most  
6 importantly, all of the rights that you are giving up by  
7 pleading guilty. Is it still your desire to plead guilty to  
8 these offenses?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: I'm satisfied that you understand what it  
11 means to plead guilty and that your pleas are being entered  
12 knowingly. I am satisfied that you are doing so pursuant to a  
13 written plea agreement, and that there have not been any  
14 improper promises and no threats. I believe your plea is being  
15 entered voluntarily.

16 I am also satisfied, based on the stipulated facts,  
17 that there is an adequate factual basis for the plea.  
18 Accordingly, I accept your pleas of guilty. You are as of now  
19 adjudged guilty of the offenses in Counts two and three of the  
20 indictment.

21 Is there any particular request for the timing for  
22 sentencing at this point?

23 MR. LENZNER: Not from the Government, Your Honor.

24 MR. CARTER: No, Your Honor.

25 THE COURT: February 27th at say 2:30?

1 MR. CARTER: Fine with the defense, Your Honor.

2 MR. LENZNER: That's fine for the Government.

3 THE COURT: Mr. Curvey, I have signed a order setting  
4 sentencing for February 27th at 2:30 in the afternoon. More  
5 importantly, this order requests that the Probation Office  
6 prepare a Presentence Report. Mr. Carter will help you provide  
7 some background information to the Probation Officer so it can  
8 be included in the report, and when the draft is ready he'll  
9 review it with you, so that you can let us know if there is  
10 anything inaccurate or incomplete in the report.

11 If there are disputes about the contents of the  
12 report, they will be brought to my attention and I will decide  
13 at the time of sentencing what should or shouldn't be in the  
14 report. It's a very important document. I rely on it quite a  
15 lot in making sentencing decisions.

16 It is also provided to the Bureau of Prisons so they  
17 can decide where someone should serve a sentence and what  
18 programs are most appropriate for him. I think it is in your  
19 interest that we make the report as complete and accurate as we  
20 can, so I urge you to cooperate during the process of its  
21 preparation.

22 Once we have all the information that we need, and  
23 the proper amount of time available, we will have sentencing,  
24 currently set for the 27th of February at 2:30 in the  
25 afternoon. Do you have any questions?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: No. All right. Is this anything further  
3 in this case?

4 MR. LENZNER: Not if the Government, Your Honor.

5 THE COURT: Anything?

6 MR. CARTER: Nothing from the defense, Your Honor.

7 THE COURT: No. Okay. Thank you. That will  
8 complete this proceeding.

9

10

11 COURT REPORTER'S CERTIFICATE

12 -oOo-

13 I certify that the foregoing is a correct transcript  
14 from the record of proceedings in the above matter.

15

16 Date:

17

/s/

18

Sharon O'Neill

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